

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SALVADOR SANCHEZ,

Plaintiff,

v.

ANDREW HUBER, PAULINE HULSTEIN
and SETH WANTY,

Defendants.

ORDER

19-cv-195-bbc

Pro se plaintiff Salvador Sanchez is proceeding on Eighth Amendment and state law negligence claims that: (1) correctional officer defendants Andrew Huber and Seth Wanty failed to take reasonable measures to insure plaintiff received his medication in a timely manner; and (2) defendant Pauline Hulstein, a nurse, refused to let plaintiff get stitches or see a doctor for a head laceration. Before the court is defendants' motion for partial summary judgment on the ground that plaintiff failed to exhaust his Eighth Amendment deliberate indifference claim against Hulstein. Dkt. #45. Plaintiff does not oppose defendants' motion, admitting that defendants have met their burden of proof with respect to exhaustion by showing that he did not raise any issue regarding medical treatment for his head laceration in an inmate complaint. 42 U.S.C. § 1997e(a) (prisoners must exhaust all available administrative remedies before filing lawsuit in federal court about prison conditions); Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002) (prisoner must take each step within administrative process required by prison).

Accordingly, I will grant defendant's motion for partial summary judgment and

dismiss plaintiff's Eighth Amendment claim against defendant Hulstein. Plaintiff will continue to proceed on his state law negligence claim against Hulstein and all of his state and federal claims against defendants Huber and Wanty.

ORDER

IT IS ORDERED that the motion for partial summary judgment filed by defendants Andrew Huber, Pauline Hulstein and Seth Wanty, dkt. #45, is GRANTED. Plaintiff Salvador Sanchez's Eighth Amendment claim against defendant Hulstein is DISMISSED without prejudice for plaintiff's failure to exhaust his administrative remedies.

Entered this 7th day of January, 2020.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge